IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

CIVIL APPLICATION NO.540 OF 2006

IN

FIRST APPEAL ST.NO.22632 OF 2005

M/s. The New India Assurance Co. Ltd.
Miraj and Islampur. ..Applicant

Versus

Shri Dashrath Shankar Salunke & anr ..Respondents

Smt.Ratna Bhargvan i/bR.Bhargavan & Co. for applicant

CORAM : A.M.KHANWILKAR,J.

DATE : 8TH FEBRUARY, 2006.

P.C.:

1. The explanation offered in the application, in my opinion is not sufficient cause. However, for the mistake of the advocates the litigant should not suffer.

2. In the interest of justice, therefore, the

application is allowed in terms of prayer clauses (a) and (b) on condition that the advocate on record of the applicant shall personally pay the cost to the Maharashtra State Legal Services Authority quantified at Rs.500/= within one week from today and produce the receipt of such payment in the office, failing which the office to proceed on the basis that this application has been dismissed for non prosecution without reference to the court. If the costs are paid in time, first appeal be registered and be listed on board as per its turn.